

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. James David Dixon**

**Docket No. 5:12-CR-375-2H**

**Petition for Action on Supervised Release**

COMES NOW Peter J. Yalango, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James David Dixon, who, upon an earlier plea of guilty to 18 U.S.C. §2111 and 2, Robbery Within Fort Bragg Military Reservation and Aiding and Abetting, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on July 11, 2013, to the custody of the Bureau of Prisons for a term of 63 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

James David Dixon was released from custody on August 15, 2017, at which time the term of supervised release commenced.

On November 6, 2017, a Violation Report was submitted to the Court stating that the defendant was cited for Driving While License Revoked in Lee County, North Carolina on October 30, 2017. The defendant was verbally reprimanded and it was recommended that no further action be taken. Your Honor agreed with this recommendation on November 7, 2017.

On December 13, 2017, a Violation Report was submitted to the Court stating that the defendant submitted a urinalysis sample which tested positive of marijuana on December 4, 2017. The defendant was referred back to Integrated Behavioral Healthcare Services for individual substance abuse counseling and remained enrolled in the Surprise Urinalysis Program. It was recommended that no further action be taken. Your Honor agreed with this recommendation on December 14, 2017.

On January 25, 2018, a Violation Report was submitted to the Court stating that the defendant was cited for Assault on a Female in Cumberland County, North Carolina on January 16, 2018. It was recommended that no further action be taken unless a conviction occurred in this matter. Your Honor agreed with this recommendation on January 29, 2018.

On February 2, 2018, a Violation Report was submitted to the Court stating that the defendant submitted a urinalysis sample which tested positive for marijuana on January 26, 2018. The defendant remained enrolled in individual substance abuse counseling with Integrated Behavioral Healthcare Services and the Surprise Urinalysis Program. It was recommended that no further action be taken. Your Honor agreed with this recommendation on February 6, 2018.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant submitted a urinalysis sample which tested positive for marijuana on February 28, 2018. The defendant admitted to using marijuana on February 15, 2018. This is the defendant's third urinalysis sample that has tested positive for marijuana since beginning supervision. The defendant agreed to serve 2 weekends in the custody of the Bureau of Prisons as a sanction for continued drug use. He remains enrolled in individual substance abuse counseling with Integrated Behavioral Healthcare Services. He will continue to be monitored through the Surprise Urinalysis Program. Our office will requested a revocation hearing be scheduled before Your Honor if any additional positive urinalysis samples are submitted.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 weekends, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
Supervising U.S. Probation Officer

/s/ Peter J. Yalango  
Peter J. Yalango  
U.S. Probation Officer  
150 Rowan Street Suite 110  
Fayetteville, NC 28301  
Phone: 910-354-2546  
Executed On: March 09, 2018

**ORDER OF THE COURT**

Considered and ordered this 13<sup>th</sup> day of MARCH, 2018, and ordered filed and  
made a part of the records in the above case.

Malcolm J. Howard  
Malcolm J. Howard  
Senior U.S. District Judge